

SYNOPSIS
Administrative Rules for Certificate of Need Appeal Panel

Rule 274-1-.15
Presentation of Additional Evidence

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of the proposed amendments in totality is to modify existing regulations in light of changes in the Certificate of Need statute, O.C.G.A. § 31-6 et seq., due to the passage of Senate Bill (SB) 433 in the 2008 Georgia General Assembly. SB 433 necessitates revision to the existing administrative rules for administrative appeals of certificate of need decisions. SB 433 abolished the previous Health Planning Review Board and created the Certificate of Need (CON) Appeal Panel. O.C.G.A. 31-6-44 and 31-6-44.1. The revisions are outlined in detail below.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

Section 274-1-.15 is repealed due to the abolishment of the Health Planning Review Board by SB 433.

274-1-.15 ~~Presentation of Additional Evidence. Repealed.~~

~~(1) If, before the date set for the Board's meeting, application is made to the Chairperson for leave to present additional evidence and it is shown to the satisfaction of the Chairperson that the additional evidence is material and there was good reasons for failure to present it in the proceedings before the hearing officer, the Chairperson may order that the additional evidence be taken before the same hearing officer who rendered the initial decision upon conditions determined by the Chairperson. The Chairperson may solicit comments as to the matter from the non-moving parties.~~

~~(2) The hearing officer may modify the initial decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decision with the Board.~~

~~(3) Unless leave for the presentation of additional evidence is given by the Chairperson, the Board may not consider new evidence under any circumstances.~~

~~Authority O.C.G.A. Secs. 31-5A, 31-6, 31-6-44.~~